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Date: November 19, 1999

No. of Pages: 10 (including this cover sheet)

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PLEASE DELIVER THE FOLLOWING PAGES IMMEDIATELY TO:

Name: Commissioner of Patents and Trademark

Art Unit: 1653

Examiner: J. Tung

Phone: 703 308 0196

From: William P. Christie

Reg. No. 29,371

Re: Patent Application No. 09/081,926; Filed May 20, 1998
Entitled Efficient Algorithm for PCR Testing of Blood Samples"

File: 32638WPC/A97

I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE
TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE ON

November 19, 1999

Mary L. Morley
Mary L. Morley

MLM IRV1031444.1-11/19/99 12:20 PM

Christie, Parker & Hale, LLP
5 Park Plaza
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Irvine, CA 92614
Irvine: 949-476-0757
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confidential

The information in this transmission is confidential and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is prohibited. If you have received this communication in error, please notify us immediately by telephone collect, and return the original message to us at the above address via U.S. mail. We will reimburse you for postage. Thank you.

PATENT

Date of Notice
of Allowance : October 12, 1999
Issue Batch No. : C84

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lorraine B. Peddada, et al.
Application No. : 09/081,926
Filed : May 20, 1998
Title : EFFICIENT ALGORITHM FOR PCR TESTING
OF BLOOD SAMPLES

Grp./Div. : 1653
Examiner : J. Tung
Docket No. : 32638/WPC/A97

LETTER

Box Issue Fee
Assistant Commissioner for Patents
Washington, D.C. 20231

Post Office Box 7068
Pasadena, CA 91109-7068
November 19, 1999

Commissioner:

As requested, enclosed are copies of the declaration and the patent application transmittal sheets that were mailed to the Patent Office on May 20, 1998 in the above-referenced patent application. The declaration was originally submitted in application No. 08/778,610, filed January 6, 1997, which is the parent application of this divisional application. Also enclosed are copies of the filing receipt received from the Office on June 10, 1998, the first page of the application (which includes a "Cross-reference to Related Applications" section), and the Notice of Allowability mailed on October 12, 1999.

As discussed, you indicated in paragraph 3 of the Notice of Allowability that the declaration was defective and that a substitute oath or declaration was required. Applicant respectfully requests that you reconsider your conclusion that the declaration is defective, and that Supplemental Notice of Allowance be issued removing the requirement for a substitute oath or declaration.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By William P. Christie
William P. Christie
Reg. No. 29,371
626/795-9900

UTILITY PATENT APPLICATION TRANSMITTAL
(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No. : 32638/WPC
First Named Inventor : Lorraine B. Peddada
Title : METHOD FOR PCR TESTING OF POOLED BLOOD SAMPLES
(As Amended)
Express Mail Label No. : EM582731728US

ADDRESS TO: Assistant Commissioner for Patents.

Box Patent Application
Washington, D.C. 20231

Date: May 20, 1998

1. **FEE TRANSMITTAL FORM** (*Submit an original, and a duplicate for fee processing*).

2. **IF A CONTINUING APPLICATION**

This application is a division of patent application No. 08/778,610, filed January 6, 1997, which is a continuation-in-part of patent application No. 08/683,784, filed July 16, 1996, which is a division of patent application No. 08/419,620, filed April 10, 1995. (A copy of this letter is enclosed for filing in the prior application file.)

This application claims priority pursuant to 35 U.S.C. §119(e) and 37 CFR §1.78(a)(4), to provisional Application No. .

3. **APPLICATION COMPRISED OF**

Specification

38 Specification, claims and Abstract (total pages)

Drawings

16 Sheets of drawing(s) (FIGS. 1 to 14)

Declaration and Power of Attorney

Newly executed
 No executed declaration
 Copy from a prior application (37 CFR 1.63(d))(for continuation and divisional)

4. **Microfiche Computer Program (Appendix)**

5. **Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)**

Computer Readable Copy
 Paper Copy (identical to computer copy)
 Statement verifying identity of above copies

6. **ALSO ENCLOSED ARE**

Preliminary Amendment

A Petition for Extension of Time for the parent application and the required fee are enclosed as separate papers

UTILITY PATENT APPLICATION TRANSMITTAL
(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.: 32638/WPC

Small Entity Statement(s)
 Statement filed in parent application, status still proper and desired
 Copy of Statement filed in provisional application, status still proper and desired
 An Assignment of the invention with the Recordation Cover Sheet and the recordation fee are enclosed as separate papers

This application is owned by Alpha Therapeutic Corporation pursuant to an Assignment recorded at Reel 8626, Frame 0385, and Reel 8386, Frame 0461.

Information Disclosure Statement (IDS)/PTO-1449
 Copies of IDS Citations
 Certified copy of Priority Document(s) (*if foreign priority is claimed*)
 English Translation Document (*if applicable*)
 Return Receipt Postcard (MPEP 503) (should be specifically itemized).
 Other

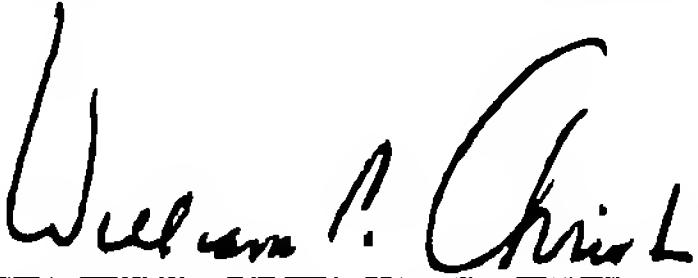
7. CORRESPONDENCE ADDRESS

CHRISTIE, PARKER & HALE, LLP, P.O. BOX 7068, PASADENA, CA 91109-7068

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By


William P. Christie
Reg. No. 29,371
626/795-9900; 213/681-1800

WPC/mlm

**FEE TRANSMITTAL
UTILITY PATENT APPLICATION**

DATE: May 20, 1998

Docket No. : 32638/WPC
 First Named Inventor : Lorraine B. Peddada
 Title : METHOD FOR PCR TESTING OF POOLED BLOOD
 SAMPLES (As Amended)

FEE CALCULATIONS						
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS	
A	TOTAL CLAIMS	19 - 20 =	0	0 x \$11.00	\$	
B	INDEPENDENT CLAIMS	2 - 3 =	0	0 x \$41.00		
C	SUBTOTAL SMALL ENTITY FEE = A + B LARGE ENTITY FEE = 2 X (A + B)					
D	BASIC FEE SMALL ENTITY FEE = \$395.00 LARGE ENTITY FEE = \$790.00					
E	MULTIPLE-DEPENDENT CLAIMS FEE SMALL ENTITY FEE = \$185.00 LARGE ENTITY FEE = \$270.00					
F	TOTAL FILING FEE (ADD LINES C, D, AND E)					
List Independent Claims: 9 and 18						

METHOD OF PAYMENT

Payment Enclosed: Check for \$790.00

The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required during the entire pendency of the application to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account. A copy of this letter is enclosed.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By William P. Christie
 William P. Christie
 Reg. No. 29,371
 626/795-9900; 213/681-1800

FILING RECEIPT



UNITED STATES GOVERNMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

① JWE
② WPC

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/081,926	05/20/98	1634	\$790.00	32638/WPC	16	8	1

CHRISTIE PARKER & HALE
P O BOX 7068
PASADENA CA 91109-7068

RECEIVED

JUN 10 1998

CASE # 32638 ACTION

REMINDER _____ DUE DATE _____

DEADLINE _____

Christie, Parker & Hale, LLP

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

LORRAINE B. PEDDADA, ARCADIA, CA; CHARLES M. HELDEBRANT, ARCADIA, CA; ANDREW J. CONRAD, LOS ANGELES, CA.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A DIV OF 08/778,610 01/06/97 PAT 5,780,222
WHICH IS A CIP OF 08/683,784 07/16/96
WHICH IS A DIV OF 08/419,620 04/10/95 PAT 5,591,573

FOREIGN FILING LICENSE GRANTED 06/04/98

TITLE

EFFICIENT ALGORITHM FOR PCR TESTING OF BLOOD SAMPLES

PRELIMINARY CLASS: 435

Notice of Allowability

Application No. 09/081,926	Applicant(s) Poddada et al.
Examiner Joyce Tung	Group Art Unit 1653



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

This communication is responsive to the amendment filed 7/13/99

CASE # 32638 ACTION Supp. Decl. R91d

The allowed claim(s) is/are claims 9-32 (final claims 1-24)

REMINDER 12/20/00 DUE DATE 12/20/00

The drawings filed on May 20, 1998 are acceptable.

DEADLINE 5/12/00 (No formal Dsgs. R91d)

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

Applicant MUST submit NEW FORMAL DRAWINGS

because the originally filed drawings were declared by applicant to be informal.

including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____.

including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 7

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

Interview Summary, PTO-413

Examiner's Amendment/Comment

Examiner's Comment Regarding Requirement for Deposit of Biological Material

Examiner's Statement of Reasons for Allowance